

In The United States District
Court For The ~~Medford~~ District
of Alabama, Northern A 10-20

Jimmie E. PARKER
Plaintiff, Pro Se
v.

Troy King, et. al.
Defendants

DEBRA P. HACKETT, CLERK
U.S. DISTRICT COURT
MIDDLE DISTRICT OF ALA

No. 2:07-
CV-624-WKW
(WO)

Plaintiffs Objections to the
Court's Recommendation of
Sept. 11th 2007

On Sept. 11th 2007, The Court
again denied Plaintiff's Motion for
Preliminary Injunction.

Plaintiff objects on the following
grounds:

Court's Document #28 pg 20 and pgs. 14-20

(1) Once again the Court points to the
Alaska case, and on pg 20 the Court
itself states "The Act does not
restrain activities sex offenders may
pursue but leaves them free to change
jobs or residences."

(1)

This is in reference to the Alaska Act whereas Alabama's Act restricts when and where an offender may work and/or reside.

So when Alabama's Act is applied retroactively to an offense occurring before the effective date of the Act imposes restrictions on Liberty and the pursuit of Happiness.

These are fundamental and inalienable Rights and can never be removed retroactively for a past conviction without violating Alabama and FEDERAL Constitutional Laws against Double Jeopardy Ex Post Facto Laws, and The Separation of Powers Doctrine, and Due Process is violated when such restrictions are imposed for a past conviction even though due process may be served when the Act is applied prospectively to a conviction occurring after the effective date of the Act.

See. Longcat v. US, Film Parody,
511 U.S. 244, 128 L.Ed. 2d 229 (1994),

and Art I sec. 10 cl. 9 of the US Federal Const, states "No State shall pass any Bill of Attainder or Ex Post Facto Law,

To violate Part I sec. 10 c29 of the Federal Const, the Act.

1. MUST be retroactive, applying to events occurring before its ENACTMENT.
2. MUST disadvantage the offender effected by it, ie, change LEGAL CONSEQUENCES, OR ALTER A SUBSTANTIAL Right. A judicial ENLARGEMENT of a statute, ie, retroactive application operates PRECISELY AS AN ex post facto LAW.
Collins VS. Youngblood, 497 US. 37, 111 LEd 2d. 30 (1990)

Alabama's Act has evolved into something much more than Alaska's, which requires only registration and notification via the Internet. While Alabama's Act imposed the advanced notice of changes in employment and residence and restrictions on where an offender could live and work Alabama's Act imposed restrictions on LIBERTY and the PURSUIT of HAPPINESS and is now no longer comparable to Alaska Act because of this.

Once one registers in Alaska that's it till next registration but once one registers for Alabama prosecution could ensue from information obtained from the registrant for violations of the advanced notice of changes and/or violations of the restrictions of residence and employment locations in violation of Alabama and Federal Const. Laws against self incrimination. Therefore any comparison between Alaska's and Alabama's Act is moot, they are not the same. Alaska's Act imposes no restrictions on Liberty and the Pursuit of Happiness Alabama's Act does, and The Removal of Const Vested Fundamental Inalienable Rights, ~~is~~ is punishment and can be considered nothing else and when applied retroactively violates Ex Post Facto, Double Jeopardy, the Separation of Powers Doctrine and Due Process.

Cummings v. Missouri, 71 U.S. 277, 18 L.Ed. 356 (1867)

Custody generally encompasses most restrictions on Liberty resulting from a criminal conviction, i.e. punishment

Pack Vs. Yusuff 218 F3d 448, 445,

(4)

5th Cir (2000)

Cited in footnotes no. 51 of
Kirk vs. Collier, US. LEXIS 70434,
(5th Dist. 2006)

Plain and Obvious meaning that No State
shall pass any Ex Post Facto Law, is
that Legislatures shall not pass Laws
AFTER AN ACT done, which shall have
relation to such act "OR" shall punish
Calder V. Bull, 3 U.S. 386, 390
1 2ed 648 (1798)

(2) Courts Document #28 pg 29

3. equal Protection

The only Equal Protection Claim
made by Plaintiff was in the original
complaint with regards to advance
notice of residence 45 days prior to
release from custody.

Original Complaint pg. (¶14) Ground 16

As this issue is now met Plaintiff
withdraws Any Equal Protection Claims.

(3) Courts Document #28 pg 30

Although Plaintiff does challenge the
Residence and Employment restrictions and
the advance notice of changes of same
as overly broad and void for vagueness
the court refuses to recognise Plaintiff
assertions that these restrictions and
(5)

AND REQUIREMENTS IMPOSES RESTRICTIONS
OF AND OR REMOVES FUNDAMENTAL
IN ALIENABLE RIGHTS OF LIBERTY AND
THE PURSUIT OF HAPPINESS -

AND WHEN APPLIED RETRO FOR A CONVICTION
OCCURRING BEFORE THE EFFECTIVE DATE OF
THE ACT VIOLATES EX POST FACTO
DOUBLE JEOPARDY, DUE PROCESS AND
THE SEPARATION OF POWERS DOCTRINE

(4) Courts Document #28 pg 24

2. Due Process

"STATES,"

TO SUCCEED ON A PROCEDURAL DUE PROCESS
CLAIM PARKER MUST ESTABLISH THAT

1. THE - ACT DEPRIVES HIM OF A PROTECTED
LIBERTY INTEREST

2. THE PROCEDURES ACCOMPANYING THE
DEPRIVATIONS ARE CONST. INADEQUATE -

AS STATED IN PLAINTIFF'S LAST FILED
OBJECTION, HE WAS PRESENTED WITH THE
OPPORTUNITY TO TRAVEL TO ANOTHER STATE
FOR A JOB ~~ON~~ AS LITTLE AS A WEEKS
OR LESS NOTICE BUT WAS RESTRAINED FROM
EXERCISING HIS FUNDAMENTAL INALIENABLE RIGHTS
OF LIBERTY, THE PURSUIT OF HAPPINESS AND HIS
RIGHT OF INTERSTATE TRAVEL DUE TO THE

(6)

Retractive application of the Act,
Removal of these fundamental
Inalienable Rights is Punishment
and the Retractive Removal of these
fundamental Inalienable Rights violates
DUE PROCESS.

(5) Courts Document #28 pg. 29

4. Separation of Powers Doctrine
Plaintiff did challenge on the
grounds stated by the Court
but once again the Court Refuses
to recognise Plaintiff also challenges
the legislature of violating the
separation of Powers Doctrine
by imposing punishment for a past
conviction, ~~conviction~~

Any suspension or deprivation of these
rights for past conduct is punishment
and cannot be otherwise defined,

Cummings v. Missouri, 71 U.S. 277,
18 L.Ed. 356 (1867)

Legislatures shall not pass laws after
an act done which shall have relation to
such act or shall punish

Calder v. Bull, 3 U.S. 386, 390
1 L.Ed. 648 (1798)

(6) The Court makes no mention or refuses to recognise Plaintiff's ground that Registration removes Const. vested rights against self incrimination.

As stated earlier Alaska's Act cannot be used for comparison because it places no restrictions on when and where one may live and work as does Alabama's Act, See Plaintiff's original Complaint.

Pg. (A.15) Ground 17 and

Last filed Objection. pg 3, no. 1

Registration is compelled by Statute and coerced under pain of prosecution.

Registration removes Plaintiff's Const vested Rights against self incrimination as the likelihood of harmful and/or injurious disclosure is real and substantial.

See.

Al. Const. of 1901 Art. I sec. 36, states,
Every thing in the Declaration of Rights is excepted out of the general powers of government and shall forever remain inviolate, if 2 provisions of the Const. conflict Art. I will prevail

Art. I sec. 6 of the Al. Const,
Self Incrimination,

(8)

ONE shall not be compelled to give evidence against oneself.
AND SEE

U.S. Federal Const. Amend. 5, one shall not be compelled to be witness against oneself AND SEE,

BAXTER V. PALMIGIANO 425 U.S. 308
47 L.Ed. 810, 96 S.Ct. 1551 (1996) —

— ONE is privileged not to answer to official questions in ANY proceeding civil, criminally formal or informal, where answers might incriminate or form basis of investigation for future criminal proceedings

The likelihood of injurious disclosure
not prosecution prompts the Right
against Self Incrimination

LEFKOWITZ V. TURLEY 38 L.Ed. 274 (1973)

Notwithstanding phrase "in ANY CRIMINAL CASE" in text of Self Incrimination clause of Federal Const.'s 5th Amend., clauses protection encompasses compelled statements that lead to discovery of incriminating evidence even though statements themselves are NOT incriminating and are not introduced into evidence, U.S. V. HUBBELL, 147 L.Ed. 2d 24 (91) (2000)

Conclusion

THE COURT AND DEFENDANTS HAVE ADMITTY REFUSED TO RECOGNISE AND/OR ACKNOWLEDGE WHAT PLAINTIFF CONSIDERS TO BE AT THE HEART OF THE COMPLAINT AND REFUSES TO ACKNOWLEDGE THAT ALABAMA'S ACT HAS EVOLVED INTO SOMETHING QUITE DIFFERENT FROM ALASKA'S ACT WHICH IT CONTINUES TO COMPARE ALABAMA'S ACT TO. THE COURT REFUSES TO RECOGNISE THAT PLAINTIFF'S FUNDAMENTAL AND INALIENABLE RIGHTS OF LIBERTY AND THE PURSUIT OF HAPPINESS ARE BEING RESTRICTED AND/OR REMOVED BY THE RETROACTIVE APPLICATION OF THE ACT'S RESIDENCY AND EMPLOYMENT PROVISION WHICH DIRECT WHEN AND WHERE PLAINTIFF CAN WORK AND LIVE.

THE COURT REFUSES TO RECOGNISE THAT DUE TO THESE PROVISIONS AND RESTRICTIONS, REGISTRATION REMOVES THE CONST. VESTED RIGHT AGAINST SELF INCRIMINATION, AND THAT REMAINDER OF CONST VESTED RIGHTS IS PUNISHMENT AND CANNOT BE RETROACTIVELY APPLIED TO A CONVICTION OCCURRING BEFORE THE ACT'S EFFECTIVE DATE,

AND THE COURT REFUSES TO CONSIDER ALABAMA'S LEGISLATURE VIOLATED THE SEPARATION OF POWERS DOCTRINE

if it indeed intended the Act to apply retro to convictions occurring prior to the Act.

As for the prerequisite for preliminary injunction the Court would have one believe it must be in the best interest of the public Doc. #28pg 31, when in reality it must not be adverse to the public interest, this section of public interest in Plaintiff's whereabouts is adequately covered under Al. Title Code 13A-11-200 - Registration of Sex Offenders, which plaintiff concedes he is required to register under.

If injunction does not issue Plaintiff's Const. Vested Fundamental Inalienable Rights of Liberty and the Pursuit of Happiness will continue to be illegally retroactively denied by this most oppressive set of Statutes known as the Al. Comm. Nat. Act. and other Const Vested Rights such as Rights against self incrimination, the Right of Interstate Travel, the Rights of Close Family Association, and the Right to freely apply his trade, will continue to be

illegally retroactively denied
in violation of Const Law and
Rights Guaranteed and Protected
by the Const.

Therefore Plaintiff prays this Court
issue this Preliminary Injunction.

Also Plaintiff respectfully requests
the Court treat this Objection
and Plaintiff's last filed objection
as a motion for summary judgement
as a matter of law, both Const. and
relevant case law.

Respectfully Submitted
this 19th day of Sept., 2007

Jimmie E. Parker

Jimmie E. Parker, Plaintiff, Pro Se.
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Theodore Al. 36582

Certificate of Service under
28 USC, 1746

I certify that I have this 19th day
of Sept, 2007 served a true copy
of the foregoing on all Defendants
listed and addressed below by placing
some in the U.S. Mail, with proper
postage affixed.

Jimmie E. Parker

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and to US Dist. Court Clerk
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(13)